

United States Department of Commerce

Patent and Trademark Office

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Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAME	D INVENTOR		ATTORNEY DOCKET NO.
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary Commonstrate Commonstrat	-		Application No.	Applicant(c)				
### Disposition of Claims ### And Unit Angel Roman 2812 ### And Willing DATE of this communication appears on the cover sheet with the correspondence address **Peri d for Reply** A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Exercises of time may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be sinely filed. **Exercises of time may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be sinely filed. **Exercises of time may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be sinely filed. **Exercises of time may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be sinely filed. **Exercises of time may be available under the provisions of 37 CFR 1.136(a), in no event, however, may a reply be sinely filed. **Exercises of the major of the specified above, he maximum statutory partners which it is specified above, he maximum statutory partners of the specified and partners of the major of the specified and partners of the specified and partners of the major of the specified and partners of the major of the major of the specified and partners of th				Applicant(s)				
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-46 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-46 are subject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 04 January 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.		Responsive to communication(s) filed on						
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1) Notice of References Cited (PTO-892)				•				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6) Other:	2) 🔲 Notice	of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal F					

Application/Control Number: 09/753,722

Art Unit: 2812

DETAILED ACTION

Page 2

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-16 and 30-46, drawn to a semiconductor device, classified in class 257, subclass 1+.
 - Claims 17-29, drawn to a method of manufacturing a semiconductor device, classified in class 438, subclass 39.
- 2. The inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case instead of forming a mask prior to forming an insulating layer, the insulating layer could be formed by selective deposition of the island regions above the electron source prior to forming a mask.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

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A telephone call was made to John G. Smith on 10/01/01 to request an oral 4. election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel Roman whose telephone number is (703) 306-0207. The examiner can normally be reached on Monday-Friday 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (703) 308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

RICHARD BOOT! PRIMARY EXAMIN

AR October 18, 2001